

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TROY CRAMER,

Defendant.

4:13-CR-3011

ORDER

This matter is before the Court on the defendant's *pro se* "Motion to Compel Attorney Jon Aman to Surrender the Case File No: 4:13-cr-3011-001" (filing [64](#)).<sup>1</sup> The defendant filed his motion on November 2, 2015. Filing [64](#). The Court ordered the defendant's CJA-appointed trial counsel, John Aman, to respond to the defendant's motion on or before November 23. Filing [65](#). No response was received. On December 1, the Court reminded counsel, by e-mail, of its previous order. Yet there has still been no response from counsel.

In his motion, the defendant represented that his case file was required so that he could pursue post-conviction remedies. *See* filing [64](#). He has that right. *See* [28 U.S.C. § 2255](#). The Court further notes that a member of the Nebraska bar is ethically required to protect a client's interests, including the surrender of papers and property to which the client is entitled. *See* [Neb. Ct. R. of Prof. Cond. § 3-501.16\(d\)](#).

Accordingly, the defendant's trial counsel will be ordered to show cause, on or before December 22, 2015, why the defendant's motion to surrender the case file should not be granted. Absent a response, the defendant's motion will be granted.

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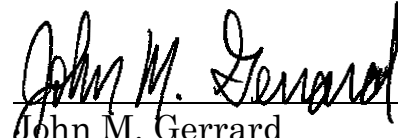
<sup>1</sup> The defendant is now represented, for purposes of [28 U.S.C. § 2255](#), by the Federal Public Defender. *See* filing [67](#). Ordinarily, the Court does not entertain *pro se* filings by parties who are represented. *See* [NEGenR 1.3\(i\)](#). However, in this case, the defendant's motion was filed before the Federal Public Defender was appointed. The Federal Public Defender is not obliged to respond to this motion. But that would not preclude the Federal Public Defender, as a courtesy to the Court, from taking a position on the defendant's behalf with respect to the defendant's previously-filed *pro se* motion, or advising the Court of the present location and condition of the defendant's case file.

IT IS ORDERED:

1. The defendant's CJA-appointed trial counsel, John Aman, is ordered to show cause on or before December 22, 2015, why the defendant's *pro se* "Motion to Compel Attorney Jon Aman to Surrender the Case File No: 4:13-cr-3011-001" (filing [64](#)) should not be granted.
2. Absent a response, the defendant's motion will be granted.

Dated this 8th day of December, 2015.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge